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Attorney for Defendant
LUIS RADILLO

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS RADILLO,

Defendant.

No. 2:05-cr-076 MCE

STIPULATION AND ORDER
CONTINUING CASE AND EXCLUDING
TIME

Judge: Hon. Morrison C. England

IT IS HEREBY STIPULATED by and between Assistant United States Attorney Samuel Wong, counsel for plaintiff United States of America, and Assistant Federal Defender Jeffrey L. Staniels, counsel for defendant LUIS RADILLO, as follows:

This case was previously set for status conference on April 12, 2005. The matter was dropped from calendar at the request of the defense subject to the submission of a stipulation of counsel resetting the case and excluding time under the Speedy Trial Act. The continuance beyond April 12, 2005, was requested by the defense based on information received from the government both in the form of discovery, to wit: a redacted version of a previously sealed portion of the search warrant affidavit, and of an oral suggestion about the possible terms of resolving the case. This further information was conveyed to Mr. Radillo shortly before April 12, 2005, and he

1 advised counsel that he needed to consider the information before being able to respond to it. In
2 addition, based on information received concerning Mr. Radillo's alleged criminal history, he
3 could be exposed to an enhanced term of imprisonment.

4 Defense counsel and Mr. Radillo desire additional time until May 17, 2005, to investigate
5 and discuss the redacted, previously sealed portion of the search warrant and to investigate and
6 discuss Mr. Radillo's criminal history, including whether any prior convictions would give rise to
7 sentencing enhancements in this case. Such preparation is needed in order to properly evaluate the
8 prosecution's suggestion about possible terms of resolving this case.

9 **ACCORDINGLY, IT IS FURTHER STIPULATED** that the time from April 12,
10 2005, until May 17, 2005, be excluded from computation of time within which the trial of this
11 matter must be commenced under the Speedy Trial Act, 18 U.S.C. §§ 3161 *et. seq.*, pursuant to 18
12 U.S.C. § 3161(h)(8)(A) & (B)(iv) and Local Code T-4, and that a status conference be held on
13 May 17, 2005, at 8:30 a.m.

14 The court is advised that counsel have conferred on this matter and that Mr. Wong
15 has authorized Mr. Staniels to sign this stipulation on his behalf. The court is also advised that
16 Mr. Staniels has consulted with his client, and that Mr. Radillo consents to the continuance, and to
17 the exclusion of time.

18 **IT IS SO STIPULATED.**

19 Date: April 29, 2005

/S/ Samuel Wong by jls per auth
McGregor W. Scott
United States Attorney

By: Samuel Wong
Assistant United States Attorney
Counsel for Plaintiff

23 Date: April 29, 2005

/S/ Jeffrey L. Staniels
Jeffrey L. Staniels
Assistant Federal Defender
Attorney for Defendant
LUIS RADILLO

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O R D E R

Based on the above stipulation of the parties and good cause appearing therefrom, the Court hereby finds that the failure to grant a continuance in this case would deny defendant's counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court specifically finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the defendant in a speedy trial.


Based on these findings and pursuant to the stipulation of the parties, the Court hereby adopts the stipulation of the parties in its entirety as its order.

Time is excluded from computation of time within which the trial of this matter must be commenced from April 12, 2005 to, and including May 17, 2005, pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B)(iv) and Local Code T4. The Court shall hold a status conference in this case on May 17, 2005, at 8:30 a.m..

IT IS SO ORDERED.

By the Court,

Date: May 2, 2005


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE